

**Before the State of South Carolina  
Department of Insurance**

In the matter of:

Mary D. Wells

826 Knollwood Drive  
Columbia, South Carolina 29209

File Number 106310

**Default Order Revoking  
Resident Insurance Agent's License**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 2000), by the State of South Carolina Department of Insurance upon Mary D. Wells, a licensed South Carolina resident insurance agent, by both certified mail, return receipt requested, and by regular mail on April 10, 2001

That letter informed Wells of her right to request a public hearing upon the allegations of impropriety contained within the letter against him. The letter further warned that her failure to make a timely, written request would result in my summary revocation of his license to do business as a resident insurance agent within the State of South Carolina. **Despite that warning, Wells has failed to respond to the Department's letter. Wells has failed to pay timely the state's Continuing Education fee (CE fee).** On May 31, 2001 therefore, counsel for the Department filed an Affidavit of Default, and submitted the entire matter directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that Wells failed to pay timely the state's CE fee. §38-43-106(D) and Regulation 69-50 section VIII (Supp. 1999) provide that "failure to remit this fee...may result in denial of continuing education certification and non-renewal of the licenses held." Also, §38-43-230 of the South Carolina Code provides the director or his designee "may revoke or suspend an agent's license after ten day's notice...when it appears that an agent...has violated this title or any regulation promulgated by the department, or has willfully deceived or dealt unjustly with the citizens of this State."

In accordance with my findings of fact, and considering Wells' failure to avail herself of her opportunity to be heard, I now conclude, as a matter of law, that she willfully deceived and dealt unjustly with the citizens of South Carolina, thereby violating S.C. Code Ann. § 38-43-130(1) (Supp. 2000), and that her license should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing

contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (4) (Supp. 2000).

It is therefore ordered that Mary D. Wells' license to transact business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and that no license, issued through the State of South Carolina Department of Insurance is to be issued to her.

It is further ordered that a copy of this Order be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Wells is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This order becomes effective as of the date of my signature below.

A handwritten signature in dark ink, appearing to read "E. N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar  
Director

<sup>May</sup>  
~~June~~ 31, 2001 at  
Columbia, South Carolina